

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ELIZABETH HIGGINS and SHAWN	)	
SIMOENS, as Co-Personal	)	
Representatives of the Estate of	)	
Alexander T. Simoens; and	)	8:08CV15
ELIZABETH HIGGINS and SHAWN	)	
SIMOENS, daughter and son of	)	
Alexander T. Simoens, deceased,	)	
	)	ORDER
Plaintiffs,	)	
	)	
v.	)	
	)	
JOACHIM DANKIW, et al.,	)	
	)	
Defendants.	)	

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This matter is before the court on the Motion to Dismiss of defendants Joachim Dankiw, Jeanelle Moore, Andrew Freeman, Mark Haefele, Charles Benak, Chief of Police, Jim Suttle, Frank Brown, Jim Vokal, Garry Gernandt, Dan Welch, Franklin Thompson, Chuck Sigerson, Jr., Thomas Warren, the City of Omaha, Omaha Police Department, and the City Council. [Filing No. 25](#). The magistrate judge entered an order, [Filing No. 33](#), permitting the defendants to file an amended motion to dismiss. They did so on July 7, 2008. [Filing No. 35](#). Therefore, the original motion to dismiss, Filing No. 25, is denied as moot.

IT IS ORDERED the defendants' motion to dismiss, Filing No. 25, is denied as moot.

DATED this 18<sup>th</sup> day of July, 2008.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge